

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ALVIN TURNER,

Plaintiff,

v.

Case No. 07-12806

RONALD YEE and WAYNE COUNTY,

Honorable Arthur J. Tarnow

Defendants.

ORDER GRANTING DEFENDANTS' MOTION FOR SUMMARY JUDGMENT [24]

Before the Court is defendant's motion for summary judgment, filed on March 28, 2008. Plaintiff Turner filed his own motion for summary judgment on May 7, 2008.

The only basis for federal-court jurisdiction that the Court could discern might have been the Employee Retirement Income Security Act of 1974. Defendants invoke 29 U.S.C. § 1003(b)(1), which states that Title I of ERISA does not apply to any employee benefit plan if "such plan is a governmental plan" as defined in 29 U.S.C. § 1002(32). That provision says that a governmental plan "means a plan established or maintained for its employees . . . by the government of any State or political subdivision thereof."

The plan in question was established by Wayne County for its employees. Turner has failed to demonstrate that there is a genuine issue of material fact as to whether the plan is a governmental plan under the statute. Therefore, the plan is exempt from Title I of ERISA, and "we do not have jurisdiction over causes of action pertaining to" this plan. *Weiner v. Klais and Co., Inc.*, 108 F.3d 86, 89-90 (6th Cir. 1997).

Defendants' motion for summary judgment is GRANTED. Turner's complaint is DISMISSED. The clerk is directed to close this case.

SO ORDERED.

S/ARTHUR J. TARNOW
Arthur J. Tarnow
United States District Judge

Dated: May 19, 2008

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 19, 2008, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR
Case Manager